

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PREBLE-RISH HAITI, S.A.,

Plaintiff,

21-cv-9040 (PKC)

-against-

ORDER

REPUBLIC OF HAITI,

Defendant.

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CASTEL, U.S.D.J.

By letter motion dated December 2, 2021, plaintiff Preble-Rish Haiti, S.A. (“Preble-Rish”) sought an order “permitting Plaintiff to take the deposition of Garnishee by a person with knowledge of all activity relating to BB Energy’s account, in particular, payments received from Haiti for the supply of fuel to Haiti.” In lieu of granting the application, the Court issued an Order directing the garnishee Natixis, New York Branch (“Natixis”) to file a statement with the Court as to the following:

1. the date, time and circumstance of service of the Writ;
2. any debts, credits or effects belonging to BMPAD, including but not limited to, any monies received from BMPAD for the account of BB Energy deposited into the bank account of BB Energy located at Natixis from November 16, 2021 to the date of this Order; and
3. the factual and legal basis for each of the five (5) affirmative defenses set forth in its "Affirmative Defenses" to the Writ.

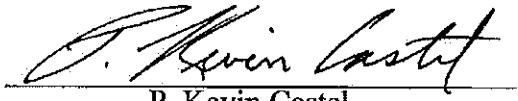
(Order of Dec. 16, 2021.)

The Court has reviewed the fulsome and timely response of non-party Naitixis and finds that it more than satisfies the scope of the Court mandated inquiry and satisfies any legitimate inquiry Preble-Rish may have of non-party Naxtixis concerning its role as a putative garnishee.

By letter motion filed January 10, 2022, Preble-Rish now seeks “leave to serve Natixis with a demand for documents and a notice of deposition for a corporate representative with knowledge of the facts set forth in the Statement.” Preble-Rish has not made a preliminary showing that it is likely that factual statements made by Natixis are false. That Preble-Rish disagrees with the legal position of Natixis is not a ground to conduct a deposition and seek documents from this non-party.

Letter motion of January 10, 2022 (Doc 34) is DENIED.

SO ORDERED.



P. Kevin Castel  
United States District Judge

Dated: New York, New York  
January 12, 2022